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November 15, 2024

By ECF

District Judge Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Isaiah Sano v. City of New York, et al.
22-CV-07688 (DLI) (TAM)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, representing defendants City of New York (“the City”), Devon D. Moses, Patrick Sanon, and Brian P. Flynn (“defendants”) in the above referenced matter. I write to respectfully request permission to supplement defendants’ pending motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6).

By way of relevant background, on December 17, 2022, plaintiff filed the Complaint. On March 16, 2023, the City respectfully requested an extension of time to answer the Complaint from March 16, 2023 to May 15, 2023. (See ECF No. 6). On March 17, 2023, the Court granted the City’s request. On June 5, 2023, defendants requested a briefing schedule for the motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6). (See ECF No. 15). On June 8, 2023, the Court ordered defendants to file the motion to dismiss by June 12, 2023. On June 12, 2023, defendants filed the motion to dismiss for failure to state a claim and memorandum in support. (See ECF Nos. 17, 18). On June 21, 2023, plaintiff filed the Amended Complaint. (See ECF No. 19). On June 21, 2023, plaintiff filed the opposition to defendants’ motion to dismiss. (See ECF No. 20). On June 22, 2023, the Court denied defendants’ motion to dismiss as moot. On July 5, 2023, defendants filed the second motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) and the memorandum in support. (See ECF Nos. 21, 22). On July 16, 2023, plaintiff filed the memorandum in opposition to the motion to dismiss. (See ECF Nos. 23, 24). Defendants filed the reply to the opposition on August 3, 2023. (See ECF No. 27). On October 11, 2024, plaintiff filed the letter regarding Chiaverini v. City of Napoleon, 602 U.S. 556 (2024). (See ECF No. 28).

Given the additional case law plaintiff provided in the October 11, 2024 letter for the Court’s consideration, defendants respectfully request permission to supplement defendants’

pending motion to dismiss. If the Court is inclined to grant defendants' request, defendants respectfully request until November 29, 2024 to file the supplemental briefing.

Thank you for your consideration herein.

Respectfully submitted,

/s/ *Yini Zhang*

Yini Zhang

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Special Federal Litigation Division

cc: Caner Demirayak, Esq. (By ECF)
Attorney for Plaintiff